IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

United States of America,)					
	Plaintiff,) 8:10CR388)			
	vs.)) DETENTION ORDER)			
Jo	se Bernal-Morales,	,))			
	Defendant.	<i>)</i>			
A.	Order For Detention				
	er conducting a detention hearing pursuant to form Act, the Court orders the above-named	= ``'			
B.	Statement Of Reasons For The Detention The Court orders the defendant's detention X By a preponderance of the evidence conditions will reasonably assure the required. X By clear and convincing evidence the conditions will reasonably assure the community.	because it finds: that no condition or combination of appearance of the defendant as at no condition or combination of			
C.	to distribute actual methodistribute actual m	rvices Report, and includes the following: e offense charged: y to distribute and possession with intent amphetamine; possession with intent to aphetamine; distribution of al alien in possession of firearm is a serious crime and carries a fe imprisonment. violence.			
	may affect wheth The defendant ha	_			

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				The defendant has no substantial financial resources. The defendant is not a long time resident of the	
				community.	
				The defendant does not have any significant community	
				ties.	
				Past conduct of the defendant:	
				The defendant has a history relating to drug abuse.	
				The defendant has a history relating to alcohol abuse.	
				The defendant has a significant prior criminal record.	
				The defendant has a prior record of failure to appear at	
				court proceedings.	
		(b)	At the t	time of the current arrest, the defendant was on:	
				Probation Parole	
				Release pending trial, sentence, appeal or completion of	
				sentence.	
		(c)	Other F		
		. ,	X	The defendant is an illegal alien and is subject to	
				deportation.	
				The defendant is a legal alien and will be subject to	
			~	deportation if convicted. The Bureau of Immigration and Customs Enforcement	
			<u>X</u>	(BICE) has placed a detainer with the U.S. Marshal.	
				Other:	
	(4)	-			
	(4)			nd seriousness of the danger posed by the defendant's	
		releas	se are as	s follows:	
X	_ (5)			<u>Presumptions</u>	
			_	g that the defendant should be detained, the Court also	
				following rebuttable presumption(s) contained in 18 U.S.C. ich the Court finds the defendant has not rebutted:	
	X			o condition or combination of conditions will reasonably	
		(\o)		the appearance of the defendant as required and the	
	safety of any other person and the community because the Court				
	finds that the crime involves:				
				(1) A crime of violence; or	
				(2) An offense for which the maximum penalty is life	
			Χ	imprisonment or death; or (3) A controlled substance violation which has a	
				maximum penalty of 10 years or more; or	
				periody e. 10 yours of 11010, of	

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			(4)	A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, <u>and</u> the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release.
X (b) That no condition or combination of conditions will re				dition or combination of conditions will reasonably
	assure the appearance of the defendant as required and the			appearance of the defendant as required and the
		safety of the community because the Court finds that there is		
		probable cause to believe:		
		!		That the defendant has committed a controlled
			(-)	substance violation which has a maximum penalty of
				10 years or more.
			(2)	That the defendant has committed an offense under
			(2)	18 U.S.C. § 924(c) (uses or carries a firearm during
				and in relation to any crime of violence, including a
				,
				crime of violence, which provides for an enhanced
				punishment if committed by the use of a deadly or
				dangerous weapon or device).

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: November 1, 2010.

BY THE COURT:

s/ F. A. Gossett United States Magistrate Judge